

REMARKS

In the most recent Office Action dated August 28, 2003, the Examiner has rejected claims 7-9, 11, 12, 14, 15, 17, 20, 21, 23, 38, 45, 46, 48 and 63 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,026,414 to Anglin. The Examiner also rejected claims 22, 24-29, 34-37, 39-44, 47, 49-54, 59-62, and 64-69 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,414 to Anglin in view of U.S. Patent No. 5,758,359 to Saxon. The Examiner also rejected claims 10, 13, and 16 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,414 to Anglin in view of U.S. Patent No. 5,813,017 to Morris. The Examiner also rejected claims 30-33 and 55-58 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,026,414 to Anglin in view of an article by Jander entitled "Launching a Storage-Area Net." For at least the reasons set forth below, the applicants respectfully disagree and assert that the pending claims are patentable over the prior art of record and request their allowance.

Anglin discusses a problem wherein clients remote from backup servers and file servers request backups of data. (Col. 2, lines 1-35) Per Anglin, these requests from remote clients typically result in significant network traffic and network inefficiencies in certain cases where data to be backed up resides on a network file system in a separate physical location from the remote client. (Col. 2, lines 1-35) Anglin discusses a system that purports to address this problem by providing a proxy client to the remote client, wherein the proxy client is in the same physical location as any file servers and backup servers used to perform the backup. (Col. 2, line 40 – Col. 3, line 25, Fig. 1) The remote client thus issues a backup request that is received and executed by the proxy client on behalf of the remote client. (Col. 2, line 40 – Col. 3, line 25, Fig. 1)

As such, Anglin presents a minimal improvement over prior art backup systems since Anglin presents a standard backup system with the exception of a proxy client, functionally equivalent to a remote client, added at the same physical location as file servers and backup servers. In Anglin, the proxy client merely acts in place of the remote client to reduce network traffic, and is functionally equivalent to the remote client. (Col. 5, lines 4-19) Such functionality is well-known in the art and embodies the very definition of a proxy client.

Thus, the applicants' respectfully disagree with the Examiner's assertion in point (A) on page 12 of the most recent action that Anglin contains a teaching or suggestion of a management component. In Anglin, archival type requests are issued by the remote client and then simply processed by the system – there is no oversight or management that takes place by a separate management component. At best, as the Examiner notes, a DFS client component determines whether the file to be backed up is in the shared name space and backs up the file via the remote client or the proxy client accordingly. (Col. 6, lines 34-37; Fig. 3, block 42) No management component is present or even mentioned.

The components of Anglin's system thus differ from those of the Applicants' system, for example as disclosed in Claim 20, which include a management component directing a client component and a media component to perform an archival type request. Applicant's system is a three tier system including at least a management component, a client component, and a media component each performing separate and distinct tasks with the management component orchestrating all activities of the system.

Anglin, by contrast, presents only a traditional two tier backup system well known in the art that lacks similar management functionality. As discussed, Anglin's two tier system includes functionally identical client components that differ only in terms of physical location

comprising the standard first tier of such a system (Fig. 1, 10 and 4), and the file and backup servers comprising the standard second tier of such a system. (Col. 7, lines 8-42; Col. 5, lines 20-37) The file server simply services client requests by providing authentication and access services to files to be backed up and the backup server stores and manages data in storage devices. (Col. 7, lines 8-42; Col. 5, lines 20-37) Thus, backups requested by client components in the first tier are processed by file servers and backup servers in the second tier. Again, no third tier including a management component is present or even mentioned.

Thus, Anglin does not disclose or suggest, as set forth in applicants' claim 7, a modular network storage system comprising: a file processor for directing functions associated with the archival of data over a network, including providing direction to a plurality of media components for directing the archival functions by controlling the archival functions of a plurality of backup devices; and a plurality of client components for generating archival type requests. For at least the above reasons, and as further discussed in the interview, claim 7 is patentable over the cited art.

Thus, Anglin does not disclose or suggest, as set forth in applicants' claim 15, a method for storing data over a network, comprising: providing a file processor, communicatively coupled to at least one client component and a plurality of media components, which directs through the plurality of media components, a plurality of backup devices to perform an archival function, in accordance with an archival type request generated by at least one of the client components. For at least the above reasons, and as further discussed in the interview, claim 15 is patentable over the cited art.

Thus, Anglin does not disclose or suggest, as set forth in applicants' claim 20, a method for performing an archival type request for a client computing device in a computer

network, the method comprising: providing a management component, communicatively coupled to a client component and a media component, to direct the client component and the media component to perform an archival type request; providing a client component to coordinate backup and retrieval functions for the computing device; and providing a media component to control one or more backup devices directed to performing archival type requests. For at least the above reasons, and as further discussed in the interview, claim 20 is patentable over the cited art.

Thus, Anglin does not disclose or suggest, as set forth in applicants' claim 45, a system for performing an archival type request for a client computing device in a computer network, the system comprising: a management component programmed to direct a client component and a media component to perform the archival type request; wherein the client component is programmed to coordinate backup and retrieval functions for the computing device; and wherein the media component is programmed to control one or more backup devices directed to performing archival type requests. For at least the above reasons, and as further discussed in the interview, claim 45 is patentable over the cited art.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over Anglin, Saxon, Morris, Jander, and the other prior art of record. However, given the applicants' position on the patentability of the independent claims, it is not deemed necessary at this point to delineate such distinctions.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

Dated: 3/1/04

I hereby certify that the correspondence attached herewith is being transmitted by First Class Mail to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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